IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1915 OF 2004

Mr.Vivekananda Gurappa Desai ...Applicant

Versus

State of Maharashtra & Ors. ...Respondents

.....

Mr.Uday Sankar Samudrala for Applicant.

Mr.K.V.Saste, A.P.P. for Respondents 1 & 2.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 20, 2004.

P.C.

1. Heard Mr.Samudrala for Applicant.

2. Having gone through the Judgment under Appeal, I have no hesitation in taking the view that the Court below has applied the correct principle in considering the Application for discharge. No fault can be found either with the approach or the conclusion as reached. The Court below has adverted to the relevant materials to

take the view that there is sufficient material on record to proceed against the Applicant. If it is so, there can be no case for discharge. The argument canvassed before this Court that the version given by the concerned witness is not truthful, cannot be the basis to discharge the Application. That is matter for trial. Hence, dismissed.

3. Issuance of certified copy is expedited.

A.M.KHANWILKAR, J.